

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

ALFONSO HERNANDEZ,

Plaintiff,

v.

Case No. 14-cv-964 KG/SCY

CITY OF ALBUQUERQUE, *et al.*,

Defendants.

ORDER

THIS MATTER is before the Court on Defendant Andy Fitzgerald's Motion to Compel complete discovery responses from Plaintiff Alfonso Hernandez (*Doc. 28* filed April 14, 2015). To date, Plaintiff has not filed a response opposing this Motion. Plaintiff has, therefore, consented to the Court granting the Motion under D.N.M.LR-Civ. 7.1(b) ("The failure of a party to file and serve a response in opposition to a motion within the time prescribed for doing so constitutes consent to grant the motion."). Because this rule has "the force and effect of law, and [is] binding upon the parties and the court," *Smith v. Ford Motor Co.*, 626 F.2d 784, 796 (10th Cir. 1980), the Court will **GRANT** Defendant Fitzgerald's Motion to Compel.

IT IS THEREFORE ORDERED THAT:

1. Plaintiff must provide updated and detailed responses to Defendant Fitzgerald's Interrogatories Numbers 6, 8-10, 13-16, 18, 20 and Request for Production Number 7 by June 16, 2015.
2. Plaintiff has until June 15, 2014 to provide a written response by as to why the Court should not require Plaintiff or his counsel to reimburse Defendant Fitzgerald for the

reasonable expenses he incurred filing this motion, as required by Fed. R. Civ. P.

37(a)(5)(A).



STEVEN C. YARBROUGH
UNITED STATES MAGISTRATE JUDGE